IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS 21.31.9.25 PT 1: 47 **AUSTIN DIVISION**

ORIGINAL

Board of Regents, The University of Texas System, and 3D Systems, Inc.,

Plaintiffs,

v.

EOS GmbH Electro Optical Systems,

Defendant.



Civil Action No. A03 CA 113SS

PLAINTIFFS' NOTICE OF DEPOSITION CONCLUSION AND MOOTNESS OF EOS'S MOTION FOR PROTECTIVE ORDER REGARDING DEPOSITION OF ALLAN LIGHTMAN, PH.D.

Plaintiffs Board of Regents, The University of Texas System and 3D Systems, Inc. respectfully file this Notice of Deposition Completion and Mootness of Defendant EOS GmbH Electro Optical Systems' ("EOS") Motion for Protective Order Limiting the Scope of the Deposition of Allan Lightman, Ph.D.

In its November 12, 2003 Motion for Protective Order, EOS sought an order limiting the scope of the deposition of its expert Dr. Lightman, which had been ordered by the Court on November 10, 2003 and scheduled by agreement for November 17, 2003. That deposition has now been taken and Defendant did not prevent Plaintiffs from taking Dr. Lightman's testimony on subjects it objected to in its Motion for Protective Order. After the November 17, 2003 deposition, Plaintiffs conveyed to Defendant their belief that because the immediate deposition of Dr. Lightman had been completed and Plaintiffs were permitted to ask Dr. Lightman questions on those subjects EOS has tried to preclude in its Motion for Protective Order, Defendant's Motion was moot and did not need to be addressed by the Court. For some reason, Defendant

has decided not to withdraw its Motion for Protective Order. Plaintiffs file this Notice merely as a courtesy to inform the Court of the status of Dr. Lightman's deposition and Defendant's pending Motion.

Dated: November 25, 2003

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served in the following manner to the following counsel of record on this 25th day of November, 2003.

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